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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670.176	09/23/2003	Scott J. Woolley	COMP.01USU1	2241
27479	7590	05/02/2006		
COCHRAN FREUND & YOUNG LLC 2026 CARIBOU DR SUITE 200 FORT COLLINS, CO 80525				
			EXAMINER TADESSE, YEWEBDAR T	
			ART UNIT 1734	PAPER NUMBER

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,176

Applicant(s)

WOOLLEY ET AL.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 3-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2 and 7-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07282004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of II in the reply filed on 02/23/2006 is acknowledged.
2. Claims 1 and 3-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02/23/2006.

Claim Objections

3. Claims 15-16 are objected to because of the following informalities: in claim 15, line 3 the phrase "fixed mounted" appears to be grammatically incorrect. Appropriate correction is required. For the purpose of examination "fixedly mounted" is assumed. In claim 16, line 3 the word "linear" appears to be misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 2 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kastel (US 2,419,951). Kastel discloses (see Fig 1) a closure sealant applicator machine for dispensing sealant to a periphery of non-circular closure comprising: a sealant dispenser substantially fixedly mounted (in the dispensing mode) to the sealant applicator machine; a chuck adapted (26) to hold the closure in a plane; a rotational motor (16) in rotational communication with the chuck for rotating the closure, the chuck adapted to rotate with the non-circular closure along an axis substantially perpendicular to the plane (see Fig 3, for the chuck moving along with the rotating pinion 10 perpendicular to the drive shaft 9); a translational mechanism adapted to linearly move the chuck with the non-circular closure along at least one axis within the plane; and a controller adapted to simultaneously rotate and translate (see Figs 4-5 for the arrows showing the rotational and translational movements of the chuck, the chuck translating linearly while rotating) the closure with respect to the sealant dispenser to maintain the periphery of the closure in alignment with the sealant dispenser while the sealant dispenser dispenses the sealant.

6. Claims 2, 7-10, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Larry John Lohmann (US 3,575,131).

With respect to claims 2, 7 and 8, Lohmann discloses (see Fig 1 and column 3, lines 16-53) an apparatus for dispensing sealant to a periphery of non-circular closure (annular sealing surfaces) comprising: a sealant dispenser (47) substantially fixedly mounted to the sealant applicator machine; a chuck (article holder 16) adapted to hold

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the closure in a plane; a rotational motor (30) in rotational communication with the chuck for rotating the substrate, the chuck (16) adapted to rotate along an axis substantially perpendicular to the plane; a translational mechanism (carriage 17 with motor 19) adapted to linearly move the chuck along at least one axis within the plane; and a controller adapted to simultaneously rotate and translate said closure with respect to the sealant dispenser to maintain the periphery of said closure in alignment with the sealant dispenser while the sealant dispenser dispenses said sealant (see claim 1).

As to claim 9, in Lohmann (see Fig 2) the linear motion is driven by cam (24 and 31).

As to claim 10, in Lohmann the linear motion is produced by the servomotor (19).

With respect to claim 11, in Lohmann the rotational motion is coupled by a spline and gears (chain 25 and gears 27, 29).

As to claim 13, in Lohmann (see Fig 1 and 3) the rotational motor is mounted below the chuck (16) and coupled with a rigid shaft.

Regarding claim 15, in Lohmann (see Fig 1) both the translational mechanism and rotational motor are fixedly mounted.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kastel (US 2,419,951) as applied to claim 8 and further in view of Keating (US 2,896,378).

Kastel discloses a rotational motor (16) mounted below the chuck (26), however a motor coupled to a flexible shaft is not taught in Keating. Yet, Keating discloses (see Fig 3) a motor coupled to the assembly of shaft (24 and 28) with a flexible drive shaft (flexible coupling 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include flexible drive shaft in Kastel to tighten and loosen the connection or to drive in rotation.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmann (US 3,575,131) as applied to claim 8 and further in view of Isozaki et al (US 2003/0184744).

Lohmann lacks teaching a rotating motor mounted on a moving linear slide. However it is well known in the art to mount a rotating motor on a slide to attain both sliding and rotating movement of the work support; for instance Isozaki et al discloses (see Fig 2) a motor (4) mounted on a slide stage (20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount Lohmann's rotating motor (30) on a linear slide to simplify the dispensing apparatus substrate moving means.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmann (US 3,575,131) as applied to claim 8 and further in view of Rutledge et al (US 6,391,387). Lohmann lacks teaching multiple motors and dispensers mounted on a rotating turret and the linear motion derived by the rotation of the turret around a cam. Rutledge discloses (see Figs 1, 4 and 8) multiple motors (230 and 290) and dispensers mounted (gun provided in each application station) on a rotating turret (13) and the linear motion derived by the rotation of the turret around a cam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple motors and dispensers mounted on a rotating turret wherein the linear motion derived by the rotation of the turret around a cam in Lohmann to treat plurality of substrates in mass at one time facilitating the treatment process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571)

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272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YTT